

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL NO. 3:06CR415

UNITED STATES OF AMERICA

VS.

PAUL OSUJI

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ORDER

**THIS MATTER** is before the Court on Defendant's *pro se* request for a new trial due to alleged prosecutorial misconduct and ineffective assistance of counsel. **Memorandum of Law in Support of Defendant Paul Osuji's Motion for New Trial, filed May 19, 2008.**

Because the Defendant is currently represented by counsel, his *pro se* motion will be summarily denied. ***United States v. D'Amario*, 2008 WL 624768 at \*1, 2008 U.S. App. LEXIS 5079 at \*4 (3d Cir. 2008)** (holding that district courts are not obligated to consider *pro se* motions from a defendant who is represented by counsel because "[t]he Constitution does not confer a right to proceed simultaneously by

**counsel and *pro se***"). Defendant is instructed to communicate with the Court only through his attorney.

**IT IS, THEREFORE, ORDERED** that Defendant's *pro se* motion is hereby **DENIED**.

Signed: May 20, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

